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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,280	08/27/2003	Akira Mizuta	Q76402	4443

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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT PAPER NUMBER

1772

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/648,280

Applicant(s)

MIZUTA, AKIRA

Examiner

Patricia L. Nordmeyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 4-9 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/15/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 4 – 9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected method of manufacturing a cover sheet package, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 7, 2005.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Shigetomi et al. (USPN 6,287,661).

Shigetomi et al. disclose a cover sheet package (Column 1, line 6) comprising a thin film cover sheet including a resin film (Column 2, lines 22 – 29), the thin film cover sheet having an adhesive film formed on one side surface of the resin film (Column 2, lines 62 – 65), and which is adhered via the adhesive film to a recording surface a disk substrate of an optical disc (Column 1, lines 6 – 7); a peeling sheet which is peelably adhered on a surface of the adhesive film of the

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cover sheet and which is peeled before the cover sheet is adhered to the recording surface of the disk substrate (Column 3, lines 51 – 57); and a protective sheet which is peelably adhered on a surface of the resin film of the cover sheet (Column 2, lines 55 – 57), wherein, when an adhesive force for adhering the peeling sheet to the adhesive film of the cover sheet is indicated by  $AP_1$  and an adhesive force for adhering the protective sheet to the resin film of the cover sheet is indicated by  $AP_2$ , the peeling sheet is adhered to the adhesive film of the cover sheet and the protective sheet is adhered to the resin film of the cover sheet so that the relationship  $AP_1$  less than or equal to  $AP_2$  is satisfied by the release coating that is formed on the liner material (Column 3, lines 54 – 57) as in claim 1. With regard to claim 3, the cover sheet, the resin film and adhesive film, has a total thickness that ranges from 13 micrometers to 300 micrometers (Column 2, lines 43 – 45; Column 3, lines 46 – 48).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shigetomi et al. in view of Liu et al. (USPGPub 2003/0044559).

Shigetomi et al. disclose a cover sheet package (Column 1, line 6) comprising a thin film

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cover sheet including a resin film (Column 2, lines 22 – 29), the thin film cover sheet having an adhesive film formed on one side surface of the resin film (Column 2, lines 62 – 65), and which is adhered via the adhesive film to a recording surface a disk substrate of an optical disc (Column 1, lines 6 – 7); a peeling sheet which is peelably adhered on a surface of the adhesive film of the cover sheet and which is peeled before the cover sheet is adhered to the recording surface of the disk substrate (Column 3, lines 51 – 57); and a protective sheet which is peelably adhered on a surface of the resin film of the cover sheet (Column 2, lines 55 – 57), wherein, when an adhesive force for adhering the peeling sheet to the adhesive film of the cover sheet is indicated by  $AP_1$  and an adhesive force for adhering the protective sheet to the resin film of the cover sheet is indicated by  $AP_2$ , the peeling sheet is adhered to the adhesive film of the cover sheet and the protective sheet is adhered to the resin film of the cover sheet so that the relationship  $AP_1$  less than or equal to  $AP_2$  is satisfied by the release coating that is formed on the liner material (Column 3, lines 54 – 57) as in claim 1. With regard to claim 3, the cover sheet, the resin film and adhesive film, has a total thickness that ranges from 13 micrometers to 300 micrometers (Column 2, lines 43 – 45; Column 3, lines 46 – 48). However, Shigetomi et al. fails to disclose the adhesive force  $AP_1$  is set to be a value selected from a range of 5 to 50 g/cm, and the adhesive force is set to be a value selected from a range of ( $AP_1 * 1.0$ ) to ( $AP_1 * 3.0$ ).

Liu et al. teach an article that is securable to an optical disc comprising a backing and a layer of repositionable adhesive wherein the adhesive force varies between less than 90.6 gm/cm on one surface and between 33.5 g/cm and 1003.9 g/cm on the backing material (Page 9, claims 3 and 4) for the purpose of using adhesive coated articles to economically, efficiently and safely

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pack, store, clean, protect, organize and index optical recording media (Page 1, Paragraph 0002, lines 1 – 3).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the difference in adhesive force of the adhesive layer to different surfaces in Shigetomi et al. in order to use adhesive coated articles to economically, efficiently and safely pack, store, clean, protect, organize and index optical recording media as taught by Liu et al.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer  
Examiner  
Art Unit 1772

*pln*  
pln

*Harold Pyon*  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER

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*5/13/05*